

**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,  
CONCERNING AMENDMENT TO IMPACT FEE COLLECTIONS AS SET FORTH IN  
CHAPTER 13 OF THE TOWN OF *FREDERICK MUNICIPAL CODE*, 1992 AND  
SETTING A SUNSET ON SAID AMENDMENT.**

**WHEREAS**, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, to make the Code consistent with Town practices, repeal inapplicable and remnant provisions, and to facilitate development of real property within the Town by clarifying and improving public understanding of Town procedures.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

[CHOOSE ONE OF THE FOLLOWING OPTIONS...

[OPTION ONE]

**Section 1.** Subsections 13-55.4 (n) and (o) of Chapter 13, Article II, *Division 2* (Water Rights Dedication and Capital Improvement Fees) of the Frederick Municipal Code are hereby repealed in their entirety and reenacted to read as follows:

“Sec. 13-55.4.                      Procedure

...

(n) The CBT unit dedications and native water dedication requirements must be completed in full for each development phase or filing for residential uses prior to the Town conducting final inspection on any building permits for said phase or filing. CBT unit dedications and native water dedication requirements must be completed in full at the time of tap application for commercial and industrial applications. If a financial guarantee covering such dedication is not provided along with application for a building permit, the dedications herein shall be made prior to issuance of said building permit.

(o) The following tables summarize the water capital improvement fees. These fees must be paid prior to the Town conducting final inspection on any building permit. If a financial guarantee covering such fee is not provided along with application for a building permit, the fee herein shall be paid prior to issuance of said building permit. The CBT water share fee may be accepted as cash in lieu for providing the required CBT units per S.F.E. at the Town's sole discretion. These requirements and the fees described in the following tables may be adjusted by resolution by the Town.”

**Section 2.** Subsections 13-164 (b) and (d) of Chapter 13, Article V (Main Feeder Capital Investment Fees) of the Frederick Municipal Code are hereby repealed in their entirety and reenacted to read as follows:

“Sec. 13-164.                      Payment of fees

...

(b) A fee payer for an individual residential building or for a service increase in rate class, voltage, phase or panel amps within the municipal boundaries shall pay the MFCI fee to the Town prior to the Town conduction final inspection on any building permits. If a financial guarantee covering such fee is not provided along with application for a building permit, the fee herein shall be paid prior to issuance of said building permit.”

...

“(d) A fee payer for an individual nonresidential building or for a service increase in rate class, voltage, phase or panel amps within the municipal boundaries shall pay the MFCI fee to the Town prior to requesting final inspection on any building permit. If a financial guarantee covering such fee is not provided along with application for a building permit, the fee herein shall be paid prior to issuance of said building permit.”

**Section 3.** Subsection 13-209 (a) of Chapter 13, Article VI (Storm Water Utility) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

“Sec. 13-209. Storm water capital expansion fee.

(a) There is hereby imposed on each new customer, at the time of application for a building permit for new development or expansion of more than ten percent (10%) of an existing development, a storm water capital expansion fee. The amount and timing of payment of such fee shall be as set by the Board of Trustees by resolution and may be changed from time to time, but such fee shall be paid at all times prior to such customer requesting final inspection on any building permit. If a financial guarantee covering such fee is not provided along with application for a building permit, the fee herein shall be paid prior to issuance of said building permit.”

[OPTION TWO]

**Section 1.** Subsections 13-55.4 (n) and (o) of Chapter 13, Article II, *Division 2* (Water Rights Dedication and Capital Improvement Fees), of the Frederick Municipal Code are hereby repealed in their entirety and reenacted to read as follows:

“Sec. 13-55.4. Procedure

...

(n) The CBT unit dedications and native water dedication requirements must be completed in full for each development phase or filing for residential uses prior to release of any building permits for said phase or filing. CBT unit dedications and native water dedication requirements must be completed in full at the time of tap application for commercial and industrial applications. For any permit application filed between November 1, 2009 and December 31, 2010, if a financial guarantee covering such fee is provided along with application for a building permit, payment of fees under this subsection (n) shall be deferred until the time of final inspection; for applications filed after December 31, 2010, payment of fees shall revert to the timing set forth herein.”

(o) The following tables summarize the water capital improvement fees. These fees must be paid prior to issuing any building permit. The CBT water share fee may be accepted as cash in lieu for providing the required CBT units per S.F.E. at the Town's sole discretion.

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These requirements and the fees described in the following tables may be adjusted by resolution by the Town. For any permit application filed between November 1, 2009 and December 31, 2010, if a financial guarantee covering such fee is provided along with application for a building permit, payment of fees under this subsection (o) shall be deferred until the time of final inspection; for applications filed after December 31, 2010, payment of fees shall revert to the timing set forth herein."

**Section 2.** Subsections 13-164 (b) and (d) of Chapter 13, Article V (Main Feeder Capital Investment Fees) of the Frederick Municipal Code are hereby repealed in their entirety and reenacted to read as follows:

"Sec. 13-164. Payment of fees

...

(b) A fee payer for an individual residential building or for a service increase in rate class, voltage, phase or panel amps within the municipal boundaries shall pay the MFCI fee to the Town with the fee payer's building permit fees. For any permit application filed between November 1, 2009 and December 31, 2010, if a financial guarantee covering such fee is provided along with application for a building permit, payment of fees under this subsection (b) shall be deferred until the time of final inspection; for applications filed after December 31, 2010, payment of fees shall revert to the timing set forth herein."

...

"(d) A fee payer for an individual nonresidential building or for a service increase in rate class, voltage, phase or panel amps within the municipal boundaries shall pay the MFCI fee to the Town with the fee payer's building permit fees. For any permit application filed between November 1, 2009 and December 31, 2010, if a financial guarantee covering such fee is provided along with application for a building permit, payment of fees under this subsection (d) shall be deferred until the time of final inspection; for applications filed after December 31, 2010, payment of fees shall revert to the timing set forth herein."

**Section 3.** Subsection 13-209 (a) of Chapter 13, Article VI (Storm Water Utility) of the Frederick Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

"Sec. 13-209. Storm water capital expansion fee.

(a) There is hereby imposed on each new customer, at the time of application for a building permit for new development or expansion of more than ten percent (10%) of an existing development, a storm water capital expansion fee. The amount and timing of payment of such fee shall be as set by the Board of Trustees by resolution and may be changed from time to time. For any permit applications filed between November 1, 2009 and December 31, 2010, if a financial guarantee covering such fee is provided along with application for a building permit, payment of the fee under this subsection (a) shall be deferred until the time of final inspection."

[OPTION THREE]

## DRAFT 9/15/09

**Section 1.** A new Subsection 13-101 of Chapter 13, Article III of the Frederick Municipal Code is hereby adopted and enacted to read as follows:

“Sec. 13-101. Deferred collection of development impact fees.

If a financial guarantee covering such fees is provided along with application for a building permit, collection by the Town of fees associated with development impacts, including those set forth in Sections 13-55.4, 13-164, and 13-209 of this Chapter, shall be deferred from being a condition precedent to application for a building permit to become a condition precedent to requesting final inspection on any building permit. Such deferral shall be in effect for any permit application filed between November 1, 2009 and December 31, 2010. At such time as the expiration of this section, collection of such impact fees shall revert to the timing set forth in the discrete sections of this Code establishing such fees.”

**Section X. Effective date.** This ordinance shall be published and become effective as provided by law.

**Section X. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is held to be invalid for any reason, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

**Section X. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 22<sup>ND</sup> DAY OF SEPTEMBER, 2009.**

**ATTEST:**

**TOWN OF FREDERICK**

By \_\_\_\_\_  
Nanette S. Fornof, Town Clerk

\_\_\_\_\_  
Eric E. Doering, Mayor